

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

MALCOM PLUMMER	§	
VS.	§	CIVIL ACTION NO. 5:17-CV-210
BOWIE COUNTY, TEXAS	§	

MEMORANDUM OPINION AND ORDER REGARDING VENUE

Petitioner, Malcom Plummer, an inmate confined in the Bowie County Jail, proceeding *pro se*, filed this petition for writ of habeas corpus.

Petitioner states he is confined pursuant to a criminal judgment dated October 7, 2008 in Cause Number 2007-00076-4 in Circuit Court of Chicot County, Arkansas. Petitioner was confined in the Arkansas Department of Corrections pursuant to the order of the Chicot County Court.

Petitioner states that Wendy Kelley, Director for the Arkansas Department of Correction and James Prince, Sheriff of Bowie County, Texas have violated the orders of the Chicot County Court by transferring petitioner from the Arkansas Department of Correction to Bowie County Jail located in Texarkana, Texas.

Petitioner asserts he is being illegally restrained in Texas because he has not been found guilty of a crime in the state of Texas, nor does he have any charges or indictments pending against him in the state of Texas. Petitioner contends his transfer to the Bowie County Jail violated the judgment entered against him in Arkansas. Thus, he claims his confinement is unlawful.

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in either the federal judicial district in which he was convicted or the district in which he is incarcerated. As petitioner states no Texas charges have been filed against him, his incarceration in the Bowie County Jail appears to be the result of some contractual arrangement between Bowie County and the Arkansas Department of Corrections. Accordingly, his incarceration is due to his Arkansas conviction rather than any action by a Texas court.

As petitioner's incarceration is the result of an Arkansas conviction, the Court is of the opinion this petition should be transferred to the federal judicial district where the conviction occurred. Pursuant to 28 U.S.C. § 83, Chicot County, where petitioner was convicted, is located in the Pine Bluff Division of the Eastern District of Arkansas. This petition will therefore be transferred to such division and district.

ORDER

For the reasons set forth above, it is **ORDERED** that this petition is **TRANSFERRED** to the Pine Bluff Division of Eastern District of Arkansas.

SIGNED this 12th day of December, 2017.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE